

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc. et al.,

Defendants.

Case No. 6:12-cv-499-MHS

Lead Case

Jury Trial Demanded

**Declaration of Peter Brasher in Support of Blue Spike’s Motion for
Jurisdictional Discovery from Agnitio Corp. [Dkt. 936]**

I, Peter Brasher, declare as follows:

1. I am an associate at Garteiser Honea PC, and I am familiar with the issues of this matter.

2. Blue Spike filed a Response in Opposition to Agnitio's Motion to Dismiss with an alternative request for jurisdictional discovery on May 24, 2013. Dkt. 779.

3. Agnitio filed a Reply on June 3, 2013, [Dkt. 793] and Blue Spike filed a surreply reiterating its alternative request for jurisdictional discovery on June 20, 2013 [Dkt. 832].

4. Also on June 3, 2013, Blue Spike communicated directly with Agnitio regarding jurisdictional discovery.

5. Per Agnitio's request, Blue Spike emailed proposed discovery to Agnitio's counsel on June 5, 2013 including eight (8) Interrogatories, nine (9)

requests for production of documents, and notice of seven (7) potential topics for possible depositions. Attached here as Exhibits 1-3.

6. A week later on June 12, 2013 after not receiving a response, Blue Spike sent a follow-up email requesting Agnitio's position on the purposed discovery. Agnitio responded on June 14, 2013.

7. Nearly two weeks later on June 27, 2013, Agnitio was able to meet and confer with Blue Spike on the issue.

8. At that time, Agnitio agreed to respond to eight interrogatories. The parties agreed to discuss requests for production after reviewing the responses to the interrogatories. Blue Spike agreed to temporarily forego the Rule 30(b)(6) deposition notices until reviewing Agnitio's responses and production of documents.

9. Agnitio sent responses to eight interrogatories on July 3, 2013.

10. On July 9, 2013, Blue Spike requested to meet and confer to discuss those responses.

11. Agnitio was able to meet and confer on July 18, 2013 at 12:30 P.M. PST during which Agnitio agreed to review several of its responses to certain interrogatories. Additionally, Agnitio agreed to an unopposed motion permitting jurisdictional discovery.

12. On July 22, 2013, Blue Spike sent an email confirming the phone call and articulating the party's agreement regarding the interrogatories, the requests for production, and the 30(b)(6) deposition notices.

13. More than three weeks later on August 13, 2013, after Agnitio failed to respond to the email, Blue Spike sent a follow-up email requesting a response.

14. Another week later on August 20, 2013, after Agnitio failed to respond to the original email and the follow-up email, Blue Spike sent another email requesting a response.

15. On August 21, 2013 per Agnitio's request, Blue Spike re-sent the email dated July 22, 2013 and attached the proposed motion and order for jurisdictional discovery, at that time the parties reached a disagreement regarding Rule 30(b)(6) Depositions Notices. Attached hereto as Exhibit 4 is a true and correct copy of the email correspondence between counsel that I have summarized above.

16. On August 26, 2013, Agnitio agreed to send supplemented responses to the initial interrogatories but would not permit the possibility of Rule 30(b)(6) Depositions Notices.

17. On August 30, 2013, Agnitio sent supplemented responses to the interrogatories.

I declare, on September 3, 2013, in Smith County, Texas and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Peter Brasher
Peter Brasher

ATTESTATION

I, Randall Garteiser, the ECF User filing this certificate of service, hereby confirm that I am signing this document for my colleague Peter Brasher, with his permission.

/s/ Randall Garteiser
Randall Garteiser